

Cover Letter
Your Honor -

- December 5, 2005 -

Something drove me to write the enclosed Emergency letter to you, asking for your help. Please don't disregard it - the lives & futures of an innocent man and his children depends on your help, as I have NOWHERE ELSE TO TURN! In god's Name, please allow my 2 "Motions" (both the ① "Plea" & the ② "Writ of Habeas Corpus"), which were RECOMMENDED by the U.S. Magistrate Judge, to be both STRICKEN & DISMISSED (in that order) - and in which is being forth to you for a Decision.

Please - the enclosed letter/document is extremely vital; and it speaks for itself. And please, your honor - give me a "Hearing" in the Near future, so that I may Come before you (with NEW Exculpatory Evidence ("testimony"; etc.) to plead my Case; along with my Federal Appeals Attorney John Courtney, Esquire ① 90 Salem St. Malden, Mass. 02148

P.S. I also ask that this Cover letter be part of my entitled request - to be submitted & read, along with the enclosed Emergency letter/document. (and please have a copy of said Cover letter sent to me, along with your response); I can be reached at my above attorney's address & my current address at:

*P.P.S. (Please let me know if you received this urgent legal letter/document pkg. - they're stealing get-in-out-going mail.) I sent this out via contact ② P.O. Box 43 Norfolk, Mass. 02056-0043

Your Honor - my life is in Immediate Danger due to enemies trying to kill me (in the Mass. state prisons system) because of my criminal Case.

I cannot be kept quiet any longer - my children have been growing up in the hands of murderers & drug dealers, whose "double-homicide" I was wrongfully convicted of 11 horrible years ago! I have literally nowhere else to turn: please - I beg you. Give me the Chance that the state legal, judicial, governmental & prison systems NEVER GAVE ME! I appeal to your better judgement: I am truly innocent, and I can prove it - finally! Don't let me continue to be denied it. I am longer P. 100

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To: Your Honor, Judge Joseph Tauro Federal District Court Boston, Mass.
FROM: Michael Caputo (w-50194) @ "SMO" (the "Hole") % MCI Norfolk Prison

Dear Judge Tauro; - December 5, 2005 - CIVIL ACTION NO. 04-10132-JLT Page 1 of 9

I trust this letter finds you in good health and fine spirits. As for me, I'm feeling extremely dispondent, hopelessly abandoned, helplessly lost & extremely "misunderstood". Please find it in your heart to help me. I feel lost and so alone.

I received the bad news from my Federal Appeals attorney (Jack Courtney), that both my filed "motions" were recommended to you to be stricken & dismissed, by the U.S. Magistrate Judge, under you: (both the requested "pro-se" petition [my "Amendment", which I filed because my attorney wrongfully wouldn't honor my request & submit it along with his Appeal for a new trial or a "dismissal" of the Case; because of the complexities of the unfairness to which I wrongfully suffered, etc.]; and the "writ of habeas Corpus" (so I, along with my attorney, could plead my Case & supply NEW "exculpatory evidence", witnesses' testimony, and other documents/evidence - including a KEY WITNESS, who was with me during the same time as the Crime took place; and who was denied access to the Court for my criminal trial, and who was ^{also} previously frightened away with "death threats", several times, when he wanted to come forward & to prove I was not even anywhere near the Crime sight [which can be "substantiated"], by the murderers whose Crime I was wrongfully convicted of, with no tangible evidence, except for "circumstantial" evidence which was supplied by the same murderers; and who have had wrongful "custody" of my children for the last horrible 17 years (who have grown up in the hands of drug dealers & murderers); and who have "influences" within the Mass. state prison system, due to their criminal activities within the prison system; which has caused me horrific problems - including attempts of killing me, through severe cruel & severe beatings (by inmates & guards alike).

I am presently in the "Hole" ("segregation"), 24/7 locked up, with no access to all my legal case papers, "exculpatory evidence", witnesses' testimony, etc., which I'm being denied & not able to submit to you. I'm constantly being harassed, threatened & assaulted brutally by inmates & guards because of my criminal Case; and who remember me from over 2 years ago, when I was in the same predicament, and desperately tried to get emergency help from the "administrative staff officials", here at MCI Norfolk (and who harbor a deep "resentment" towards me) - all to no avail!

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I am being denied my "Constitutional rights", "due process of law" - and they're even violating the "Disability Law Act" (to which I'm supposed to be protected under: I am a fully "Disabled Vietnam Veteran" ("D.A.V.") with severe "Clinical Claustrophobia"; "P.T.S.D." Flashbacks; severe Panic/Anxiety attacks; etc. I am being DENIED much Emergency medical and psychiatric treatment, for severe medical & psychiatric problems; treated "abusively" by D.O.C. prison staff, medical & psychiatric personnel, and inmates & guards here in the "Hole": I'm back in 'Nam all over again! I'm going through hell with bogus, unfair & contrived "D-Reports" (punishment sanctions); being denied urgent & entitled outside phone calls (including, most especially, attorney calls); being tormented 24 hours a day, in ways you could never imagine or barely believe.... I'll spare you the details.

I am an innocent man, I did NOT kill my wife & mother-in-law (I loved them dearly); and I can prove it, if given a chance. And I know who did kill them: he was a wrongful, damaging "false witness", who perjured himself, against the defense (his damaging "testimony" wasn't brought out by the prosecution until the last minute, just before the trial; which is against Mass. state & Constitutional laws) - which, along with other important things, is enough to "dismiss" this Case in itself.

Also, the head juror at my totally unfair murder trial was a friend of my wife & her family, and who despised me because the "press" & "news media" & "police" all declared me "guilty", even before I went to trial: my trial attorney did not object to this (as he rightfully should have), despite all my desperate pleas to strike her from being accepted as a juror, because she not only knows me & the Case, very well - but it was well established in the "Community" that she was out to get me found guilty. Also, a member of the jury was an employee of the same Court in which my criminal trial was held (Suffolk Superior, Boston).... and the judge knew this, but did not "disallow" him as a juror, as he should have. There were so many discrepancies.

For example, of many, Detective Horgely, who with the help of Capt. McNelly (who was a friend at the time) of Boston Homicide, along with the Plymouth police, tormented me for many hours, against my will & without my right to an attorney! I did not willfully sign a

*re: Federal Appeal (Judge Tauro) December 5, 2005-

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* "Miranda warning" - I never heard of it before because I'd never been in trouble with the law before - instead, taking advantage of my mental illness, I was "coined" by Detective Horsely & Capt. McNelley (who has himself been "indicted" several times, for his criminal & unethical manipulating of the law; providing false testimony & bogus and contrived evidence; and in various ways & plots to get people arrested, tried & convicted at any cost! My trial attorneys told me this themselves), along with all the other Plymouth Police officers, that I was signing to have (and speak in the presence of) him & the police, with him (Detective Horsely) as my attorney who the police had obtained for me: A "Mr. Miranda"! I was so emotionally traumatized by everything (I've suffered from severe, hereditary mental illness all my life; along with a serious learning disability, dyslexia & "ADHD", etc. - especially when I'm under severe stress (like what I endured as a young officer & P.O.W. from the Vietnam War).

The police had no right (or permission) to enter my house in the first place, despite the wrong info. supplied in the record/trial transcripts, police report, or whatever or wherever stated incorrectly (along with about 90% of everything else, that is "uncontroverted fact" & wrongfully taken for fact along with info. supplied by the Plymouth & Boston police; that "false witness" (who is the real murderer by the way: a Richard Telford, who betrayed my trust & lied in the witness stand in which I was denied to take, by the judge & my attorney, so the jury never heard the truth, and what really killed my wife & mother-in-law: a "shenanagan" of my brother-in-law's - a soured "drug deal", between him & Richard Telford's good friend & Boston drug lord, a.k.a. John Gargas (who has also spent time inside prison walls, for various crimes in the past; and who continues to put me through hell in the prison system, in order to prevent me from exposing their drug deal which ultimately lead to the death of 2 wonderful, innocent & loving people).

Your honor, I was a state civil engineer, a graduate of "North Eastern", a highly decorated & disabled Vietnam ("P.O.W.") Veteran - I never even got a "parking ticket" before. I've never had any problems or a run-in with the law: I've always been a fine, upstanding & involved member of my community: participating in "community affairs", church functions, charitable

Causes & events; and many other groups & organizations (including the "Knights of Columbus", "Masons", "Sons of Italy", etc.). I've always been an even-tempered man.

Even in Vietnam, I was a "Conscientious Objector" (both in civilian life & in basic training & M.O.S. and "Airborne" (82nd) jump school): however, it didn't prevent me from killing the so-called "enemy" when it came to protecting & serving the men under my command - but that was a different set of circumstances: that was war.

I am a Quaker & a "Christian Scientist" Church member: my way is contrary to killing.

★ Granted, I said some ridiculously, nonsensical things while being "unlawfully" interrogated by the police; but most of it was misinterpreted & falsely perceived & wrongfully stated in court documents, transcripts, police reports, etc. (which were wrongfully taken as fact, because he failed terribly [my trial attorney, who was a previous D.A. himself; and who admitted to playing golf with the trial's prosecutor (D.A.), even during the trial itself]: this "uncontroverted fact" info, which was purposely twisted & round into what it really wasn't (especially my so-called "testimony" to the police, against my will & under extreme emotional & physical DURESS for over 8 hours of severe & constant "drilling" by both the Boston & Plymouth ^{police}; and in which I passed out because of severe emotional trauma which led to a heart attack [in which I was sent to the local Plymouth Hospital; while Detectives & police officials constantly "harassed" me & continued to hound me with questions, threats, harsh statements; and they even denied me emergency medical ^{treatment} while the hospital staff were hurriedly, anxiously & frantically trying to give me medical treatment (even a nurse, in her anxiety, frustration & fear, accidentally pricked her finger while administering an "I.V." into my vein, while these 2 Detectives kept ^{insisting that I didn't need medical treatment, and} who wouldn't leave my side for even a second constantly upsetting medical staff & preventing them from giving me proper emergency medical treatment, and turning everything into "chaos" by insisting that I leave the hospital & go with them because they stated I was in "police custody" for murder. Anyway, this "uncontroverted fact", which was criminally accepted as fact, and wasn't even questioned by my trial attorney - either before the trial (during the "discovery & motions" hearing) and during the "murder trial" itself - has been a horribly ^{unjustified} miscarriage of justice, which was a large part used by the D.A. & police to wrongfully arrest, arraign, indict & try and convict an innocent man!); and this and many other things (some previously mentioned in this letter, but most of them not mentioned [which is another legitimate & entitled reason for both my motions to be allowed by you], are lawfully-sound proof of

Michael Caputo (W-50194) © MCI Norfolk Prison / Continued (5) of 9-
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"Ineffective Assistance of Counsel," by both my trial attorneys (Jay Carney & Janet Bassit) and my Appeals Attorney (Jack Courtney), for both the exhausted state remedy Appeals for this current Federal Appeal (which is my last & final chance at getting a NEW TRIAL, so I can finally - after unlawfully being Denied during my "kangaroo court" state, Suffolk Superior Court, murder trial; which only lasted a few short days & didn't rightfully provide all Defense "evidence" & "witnesses" for the Defense, etc. [including, most especially, that key WITNESS, who was frightened with death threats to him, his family & even my own children, into NOT coming forward on behalf of my Defense, by Richard Telford & his criminal friends on the outside (as well as inside the ^{state} prison system!); but who wants to come forward now at this Federal Appeal, for my Defense - to prove my innocence, "right on the spot" & in your presence ("Confidentially")]. - finally, take the witness stand, in which I was unlawfully Denied during the murder trial; so I can tell the jury about this "sowed" drug deal and everything that happened, which caused the deaths of my wife & mother-in-law).

All the reasons already given (and the many not given) in this letter; which prove "Ineffective Assistance of Counsel," are enough grounds in themselves to totally "Dismiss" this Case - including the many violations to all my state & federal rights, by the police, the state court system, the judge & my attorneys, etc. Please "scrutinize" carefully - there is more than meets the eye here, your honor... this is just a small sampling of wrongfulness I suffered, and in which all my attorneys didn't supply, object to, or supply "evidence" for - there is so much you don't know, Mr. Tauro: things you'll never know, unless I'm finally given a fair chance with the "Federal" Court system. The lives & futures of an innocent man & his children may very well depend on what you now do, God's speed, Mr. Tauro - and may He guide you.

In closing, despite the ridiculous statements I made ^{while} under unlawful & severe emotional trauma & turmoil, all should be "stricken" from the record because they were the "ramblings" of a severely, mentally ill "pau"; who, without my medication (I'm a Manic Depressive & Bipolar, schizo-effective disorder & a "paranoid schizotypic" tendency, amongst other severe "mental illnesses" & diagnoses from being in numerous psychiatric hospitals all my life) was an "emotional cripple" while being unlawfully interrogated by police; and was not only "hallucinating" because of the severe "emotionally traumatized" state I was in because I was

~~off~~ my life - blood "psychiatric medications" because of the severe physical & emotional side effects: including, most especially, "Lithium", which prevents illogical, ill-perceived "delusions" & "insane thinking", etc, which typify "Borderline" psychosis (a "combination" of many, multi-faceted "distorted" & "unreal" perceptions, thoughts & understandings; which accompany this extremely rare & hereditary "mental illness" (on my mother's side of the family, especially); and in which I weave in & out from "schizoid thinking", to "paranoid schizophrenia", to severe "Bipolar" & or "schizo-affective" personality disorder, "to severe" "mania" from "Manic Depression", etc): it's a "combination" of several various & different "psychiatric disorders" in which I constantly fluctuate - especially when under extremely tormenting & anxiety-provoked pressure.... like when I was constantly tormented by the Police's, all morning & all of the noon - unlawfully subjected to, against my will, and even, denied proper & entitled Attorney Counsel to be representing me [and not a Detective (Horsely) ^{unlawfully} posing as one] in a cleverly staged effort to take full advantage of a poor soul who was having a constant "nervous breakdown" all morning & afternoon: who said totally assinine things which weren't true, because of tremendous anxiety, pressure (to explain things, which were ultimately twisted into even more bizarre statements): all in a successful attempt at getting an "easy" arrest, indictment & conviction of a man who was totally innocent of any wrong-doing; and was desperately trying to explain things, through "trusting" in the police who "crucified" him ^{leg} horrifically; by saying outlandish, nonsensical things out of extreme fear for me, my "witness" friend & children's lives (who were threatened by Richard Telford & friends; as well as other warning phone calls, telling of the 2 horrendous murders & using my children as "pawns" to keep me quiet). Just prior to the police's arrival at my house! That's how he already knew what happened; and these 3 separate & sporadic "warning" & "threatening" phone calls can be verified through ^{easy} ^{access thru} "telephone" ^{records} (as well as blood tests that were taken at Plymouth Hospital, for "AIDS", because an extremely ^{nervous} ~~nervous~~ inadvertently, because of the constant demanding, intruding & "frightening" presence of 2 Detectives constantly interfering & by my side), pricked herself (these never-before verified & proven "evidence", so crucial to the Defense, were never even mentioned by both trial attorneys & my appeals attorney) - this blood sample gave because

of "appeasing" a nurse who was extremely frightened of possibly acquiring "AIDS" because of a simple, nervous slip of a needle; which pricked & bled her skin, while she was injecting me with an "I.V.", Can also be crucial to the Defense as "exculpatory evidence" (which also was never even mentioned by both trial & appeal attorneys, or even used through "evidential records" (Blood Test Results), because it will show that my blood & body were filled with "hallucinogenic" drug materials "D.N.A." because I was "tripping" on "L.S.D.", "mescaline" and other "mind-altering" stimulants (highly "antipsychotic", delusional, & non-reality based ramblings, incoherently; mis conceptions, ^{mis} understandings, "false truths" and totally "bizarre" thoughts, "perceptions", ideas & understandings; and totally fabricated & nonsensical talk - especially under severe "emotional duress"; which was even further misunderstood or "fabricated" by the police, ^(during) interrogators). Your honor, I was "high as a kite" when the police unlawfully, without permission & with no Compassion for the "extreme anxiety" I was forced to suffer through cruelly & unconscionably - by police, in a successful attempt to "close the case" with an easy ^{arrest}. Let the record be known, that if Blood & "D.N.A." samples were taken (which is standard procedure - especially for a questionable murder suspect), there would be unmistakable and totally obvious traces of "highly-toxic" & "hallucinogenic" material found: yet, these simple tests, which were readily available - not because of proper police procedure, but due to a simple "fluke" with a highly distraught nurse & while a patient at a nearby hospital! Your honor, these examples in themselves show that I was criminally Denied my numerous amendment & Constitutional Rights, "due process of law" while being cruelly taken advantage of by police, while having a neurotic state of mind, a psychotic perception of reality... and they even criminally denied me & violated the "Disability Law Act" of Massachusetts (under which I was prevented from my rightful "protection" under)... all so the police could arrest me!

And to add insult to injury, my mental instability & severe (hereditary) "mental illness" were never even mentioned by either both trial & appeals attorneys. The fact that along with a whole life-time of being a patient in ^{various} psychiatric hospitals; and with a whole stack filled with "records" to verify my history of severe Mental Illness, none of this was used (not in a "rejected" Conscienceable reaction to the trial attorney's last minute (after Richard Telford's all-of-a-sudden, damaging "false testimony", which shouldn't have been allowed, for some of the

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Reasons previously mentioned - and which in itself, is not nearly enough substantiated prosecution "evidence" to wrongfully convict an innocent man at any cost! decision to wrongfully change the defense - at the last minutes just a day before the trial - and plea for an "insanity defense" (or an "N.G.I": Not guilty because of insanity)! I ought to remind the Court, that I, out of "principle" alone - in refusing the "easy way out," as opposed to possible "life" in prison or execution - declined this "assinine & ^{foolish} ridiculously act of "abandoning ship" by a frightened & disoriented and unprincipled attorney (due to a witnesses' expected and anticipated "perjured" testimony: Richard Telford, at the murder trial); in favor of truly, "naively & trustfully", believing in the "system" to not allow an innocent man to be falsely convicted. And the most important point of all, ^{is that} because of my trial attorney's "faux pas" (which became "Bible", wrongfully & totally unfairly - instead of simple "uncontroverted fact") and in "covering" himself; mis-information and lies - abominable & outright, deceiving lies; which were "allowed" to be put in the "transcripts", jury minutes, Discovery & Notions Hearings, police reports & in the "trial notations" themselves - solely because they weren't refuted; defected; questioned; "proven false" with simple "contrary evidence", properly by the defense attorney (nor the appeals attorney, either); who failed in comprehensively to properly defend this "Client" / falsely accused man, in so many obvious & other, more "subtle" ways (which also "slipped thru the cracks"); and in which my appeals attorney says, quite to the contrary & totally against "common sense", that "we can't introduce a new evidence" (because I supposedly didn't allow him ^(trial attorney) to bring up my whole life-time of severe MENTAL ILLNESS [for a bogus, "last-ditch effort" by my attorney to go for an "N.G.I."!] to the Court, judge & jury; but instead, I pleaded with him (trial attorney) to use my "psychiatric history" & "records", for a whole year & a half - while awaiting trial at "Bridgewater State Hospital" - not to show, or falsely claim, that I committed murder because I was mentally ill - but to prove my "innocence", by showing the jury, judge & Court that I was wrongfully arrested, arraigned, indicted & eventually "convicted", on NOT TANGIBLE EVIDENCE, of a double homicide I had absolutely nothing to do with, ^{signally} BECAUSE I WAS "MENTALLY ILL" & ^{unintentionally} allowed the legal & judicial system (out of trust) to convict an innocent man; solely because he was talking "Ragtime" to the police, during an unlawful "interrogation" & without ^{legal} rightful representation!

In other words, your honor, I was Convicted not because I killed anyone - but because I was "Mentally Ill"! This is the most important and most vitally urgent & crucial argument for the "Defense" - but it was never even mentioned by my attorneys! (and the reason I submitted that Urgent "Amendment" ("Amendument"?) to be included with my Appeals attorney's Federal Appeal [because he, wrongfully and against my entitled rights & wishes, would NOT include it with his "Appeal!]: twice I submitted it - all to no avail! And the "rationale" for denying it the first time was a "Catch-22" mindset response: rejecting it because I already had an attorney representing me (failingly!), and he should submit all documents on my behalf [again, "Ineffectual Assistance of Counsel"!]. My "Appeals attorney" failed miserably; and the whole, main argument for the "Defense" - the thrust of Everything: my "MENTAL INCOMPETENCE" during an extremely & unlawful police "interrogation" - was never argued by my Trial attorney (or my Appeals Attorney); and never realized by the jury, judge & court! The jury never knew I had a life-long history of severe mental illness! And the reason my "Amendment" (showing that my "Mental Illness" was why I was Convicted) was rejected this second time, by the "U.S. Magistrate Judge" (just recently) [Robert B. Collings], was never given: just stating "STRICKEN". And my Federal Appeals attorney is obligated to submit anything his "client" deems necessary & urgent, even if the attorney (for whatever reason) doesn't agree with it!

Please, your honor, don't tell me what my Appeals attorney insists: that my "MENTAL ILLNESS" is "Not an issue to pursue", simply due to the grave error of my trial attorney & allowing "uncontroverted (lies & misunderstandings)" fact "to dictate" my being Denied simple "justice" - all because wrongful judge & false facts (and "perjured statements") to be accepted as truths & entered & logged into my "transcripts"; and were "allowed" to "Crucify" an innocent man simply ^{because} my trial attorney (and even my appeals attorney) failed miserably to properly defend or advocate for me, by not questioning or "objecting" to crucial errors & by NOT exposing my "Mental Illness" (which, the jury knew nothing about - as well as the "soured" drug deal my brother-in-law got himself involved in & has wrongful "Custody" of my children, used as "pawns" to keep me quiet about what I know to be true for 17 years - because I was Denied my "Constitutional right" to take the witness stand & "testify" [because of, according to my trial attorney, my "Mentally Unstable" state in the first place; and all along!]; Again, more "Ineffectual Assistance of Counsel"!). That may be, to a certain extent, the "law" - but it's horribly unfair! And I'm pleading with you, your honor, to rectify this "miscarriage of justice".

Michael Caputo (W-50194)
 *re: Federal Appeal
 (w/ Judge Hawes)

December 5, 2005 -

~ Epilog ~ {CIVIL ACTION NO. 04-10732-JLT} - PART (A) -

(I)

* To summarize: Why should I suffer the consequences of the "mistakes" of my attorneys, due to their "Ineffective Assistance of Counsel"? which is grounds for at least a new trial (if not a total "Dismissal") in itself! It's this "Catch-22" situation which, unless someone in authority & power steps in to intercede for me & my children, will unfairly allow an innocent man (who suffers severe Mental Illness) to spend the rest of his life in prison: wrongfully, cruelly and unjustifiably? And all because of a legal "technicality"? Help!

Please, your honor, allow both my "Pro se" Pleading and the "Writ of Habeas Corpus", some and my Appeals attorney can plead my case (with even more crucial info. never realized before), and to supply "exculpatory evidence" - New & pertaining to my "Defense" - and some of it, wrongfully (never brought out during the whole trial process (and the preceding "Grand Jury" info - wrongful & totally unfactual "hearsay", "Circumstantial evidence" [which is what I was convicted on in the first place] and "Uncontroverted Facts" that was accepted as true, simply because my attorneys never "objected" against it; to bring out the truth, instead of just covering it up!).

** To Conclude: Your honor, I don't know an awful lot ^{how} about the law (or to properly layout & file a "motion", so that it will be "acceptable" by the Court; or how to "Shepherdize" a case, totally & satisfactorily).... I pretty much "trusted" in the so-called "expertise" of my lawyers (both trial & appeals attorneys), who failed me terribly and didn't provide an adequate Defense!

The only thing I was guilty of was "trusting" in the legal & judicial systems, which also failed me terribly (and "cruelly"): I got Raped by the same "system" I fought for in "Vietnam"! I truly was an "emotional cripple", a "scape-goat" (for both the Real murderers and the police); and an "easy mark" for the "police interrogators", who took advantage of a poor, "trusting" soul, who was having a "Nervous Breakdown" because of cruel & abusive treatment - all in the name of justice.

The reason I'm so eloquently speaking (and writing) presently, and not like a babbling idiot 17 years ago, during an unlawful & emotionally "tormented" police interrogation, is because I'm finally on the right / proper psychiatric medications now; which is helping extremely - and finally, but all too late, it seems! I'm a totally different, put-together & emotionally stable (for the most part, considering the hell I've been put through - and continue to be put

Michael Caputo (w-00194) @ MCI Norfolk
 * RE: Federal Appeal
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 ~ Epilog ~

- PART (A) -
 (Continued)

through - by a corrupt Massachusetts state "prison" system; state "legal" system; and a state "political" and "governmental" systems (who ^{all} threw me to the wolves when I needed them most, and denied me their much needed, long awaited - for and promised help - putting my life in even more danger & complicating matters even worse!).

Please help - you're a "Federal Judge, whose jurisprudence & authority supercedes the state authorities power - especially in such a dire emergency, and under unusual circumstances such as mine - and whose jurisdiction & authority can over-ride the state's "wrong-doings". I'm certainly a "unique" case.

Please, Judge Tauro - "rescue me" from a terribly unfair & cruel fate: all because of a "loop-hole" in the law (which has been wrongfully used against me - unfairly & "unlawfully"); and in which, I'm sure, you can legitimately & legally, get around it in a professionally astute & profunctional manner - to use the law itself to supercede the legal precedent, which is wrongfully preventing an innocent man from receiving his "justice due" in the first place (and which was wrongfully used against the defendant, instead of in his favor, simply because of false information & misunderstandings which were wrongfully taken as fact because they weren't questioned or "rectified" by the defendant's attorneys, due to "Ineffectual Assistance of Counsel" [and various other reasons, in which the defendant was denied his entitled "Constitutional Rights" (both state & federal annotated laws, rules & regulations, etc.) & his "due process of law." As well as the "Main argument, and most important legal case & law cited by the Appeals attorney for my Federal Appeal," being thrown out (or denied & disregarded), also, because of a "similar precedent"; including that which in itself would have been enough to either "dismiss" this Criminal Case, or at least grant a "new trial," by having all the wrongfully procured prosecution's damaging "evidence" - including, most especially, my "ridiculously-insane" statements made under extreme duress (and illegally prompted, attained, used ^{and} given to the D.A. by the "offending police," to be unfairly, unlawfully & wrongfully used against me in court): hence, no statement allowed, no so-called "evidence" ^{and} therefore no case for the "prosecution" - including ^{all} physical (as well as verbal) police & D.A. so-called "evidence," wrongfully procured & unlawfully used against me - this most important "motion," in which I haven't mentioned previously [and which is not to be included or

{ CIVIL ACTION NO. 04-10732-JLT }

Confused, or recognized as the same, previously - [but very similar in various ways] - mentioned "legal argument", earlier in this correspondence]: the details & specifics regarding this are complicated, but further understood by my Federal Appeals attorney (Jack Courtney), and in which he can explain & elaborate more satisfactorily than I can. If we're granted at least a "hearing" before your honor, so he can plead & explain the complexity of - as well as many other arguments, "exculpatory evidence" [new & never before seen or used - before, during & after the trial], urgent information, records and various other extremely important arguments & attestments to Federal Appeals laws, etc.; which were not included in the brief info. requested & supplied by the Federal Appeals official form/document, which was very limiting in volume & allowed factual info - which hurt our "Defense" in many ways: especially since the issues themselves are more complicated and extremely "unusual" in the first place!.... please allow this, as it is extremely vital for a properly-allowed "Defense" & urgent info. and arguments pertaining to extremely relevant, pertinent & exceedingly-urgent, never-before realized Arguments & "Evidence".

Please help me, your honor. If you don't do it, nobody else will - they've all got too much at stake to admit to my being treated so shabbily & for so long by the state legal and judicial systems (and the Mass. state prison system, who are criminally violating an innocent man's "Constitutional rights" & "due process of law", and further preventing him from receiving "urgent, intervening" help from the ^{state} "outside" legal, political & governmental authorities (who are not helping & have totally abandoned him, anyway!); in an attempt to prevent him from exposing the corrupt state prison system for their criminal intervention of his "criminal case" & causing him severe "enemy problems": I am NOT safe within the confines of the Massachusetts state prison system - they're trying to kill me; and have come close to doing it, many times, within the last 17 years (and this all can be "substantiated" thru simple medical records, medical staff's "testimony" & emergency code 99's & "Incident Reports"): this is well beyond the state level - should be in the hands of the Federal Government, and in the protection of Federal Agents, under the "Witness Protection" Plan! I'm certain that "exceptions" can be made for very unusual circumstances. The lives & futures of an innocent man and his trusting, loving & innocent children & family depend on what you now decide. May god guide you in your Decision.

Sincerely,
Nicholas
12-5-05